

SERIOUSNESS LEVEL 5
Effective January 1, 1994

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	CCC AS	ADC 36 CCC AS	ADC 54 CCC AS	ADC 72 CCC AS	ADC 120	ADC 180
Minimum Time Served Prior to Transfer Eligibility		ADC 6	ADC 9	ADC 12	ADC 20	ADC 30
Presumptive Range (Prior to July 1, 2005)		ADC 34.20- 37.80	ADC 51.30- 56.70	ADC 68.40- 75.60	ADC 114-126	ADC 171-189

AS = Alternative Sanctions, CCC = Community Corrections Center, ADC = ADC Facility Only
ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Common Level 5 Offenses (See Seriousness Reference Table for additional offenses and effective dates. Target Offenses are underlined. See policy statement on Community Correction Centers.)

5-26-202	C	Incest
5-27-605	C	Computer Exploitation of a Child - First Degree
5-36-103	B	<u>Theft of Property</u>
5-36-104	B	<u>Theft of Services</u>
5-36-106	B	<u>Theft by Receiving</u>
5-37-201	B	<u>Forgery I</u>
5-37-302	B	<u>Hot Check/Personal Services (Over \$2500)</u>
5-38-301	B	Arson (Less Than \$20,000 Damage)
5-39-201	C	<u>Burglary - Commercial</u>
5-54-105	B	Hindering Apprehension or Prosecution
5-54-120	C	<u>Failure to Appear</u>
5-64-419(b)(1)(C)	B	<u>Possession of Controlled Substance – Schedule I or II Methamphetamine or Cocaine =>10 g <200 g</u>
5-64-419(b)(5)(iv)	C	<u>Possession of Controlled Substance – Schedule VI =>10 lbs <25 lbs</u>
5-64-436(b)(4)	B	<u>Possession of Schedule VI Controlled Substance with Purpose to Deliver =>25 lbs <100 lbs</u>
5-64-438(b)(4)	B	<u>Delivery of Schedule VI Controlled Substance =>25 lbs <100 lbs</u>
5-64-439(b)(4)	B	<u>Manufacture of Schedule VI Controlled Substance =>25 lbs <100 lbs</u>

Transfer Eligibility - one-third of time imposed minus good time of up to one-half, i.e. one-sixth of time imposed if offender earns maximum good time.

Classification of Level 5 offenses and statutory ranges (shown in years):

Class	Normal Range	Habitual §(a)	Habitual §(b)	Habitual §(c)	Habitual §(d)
B	5-20	5-30	5-40	40-80 or Life	30-60
C	3-10	3-20	3-30	n/a	25-40

See A.C.A. §§ 5-4-401 and 5-4-501.